Remarks/Arguments:

Claims 1, 3-6 and 8-9 are pending. Claims 2, 7 and 10-12 have now been cancelled.

Specification:

As requested, applicants have now enclosed a new Abstract of the invention.

As requested, applicants have now provided a new title for the invention.

Claim Objections:

Claims 9-12 have been objected-to, as being of improper dependent form. Applicants have now amended claim 9 as an independent claim, which recites a computer-executable program performing various steps.

Claims 10-12 have now been cancelled.

Section 101 Rejections:

Claims 9-12 have been rejected, as being directed to non-statutory subject matter. Claims 10-12 have now been cancelled. Claim 9 has been amended to recite a computer-executable program . . . performing the following steps: step (a) . . . ; step (b) . . . ; etc. . . . Applicants respectfully submit that amended claim 9 includes statutory subject matter.

Section 112 Rejections:

Claims 2, 4, 6-7 and 9 have been rejected, as containing subject matter which is not described in the specification.

Regarding <u>claim 2</u>, the Examiner states that "the output of the light source "P_0" under condition that S=0" recited in the claims is not described in the specification. Applicants respectfully submit that on page 11, of the specification, at

lines 6-11, it is pointed out that a light source output of P_0 exists under ideal
conditions. These ideal conditions are defined under circumstances of "no
aberrations existing during recording".

Furthermore, applicants have now amended the specification, at page 11, line
7, to state that the output P_0 is under "the ideal condition where there is **no
aberration in the optical system (S=0)** . . . .". Accordingly, S=0 is now defined
as occurring when there is no aberration in the optical system.

Regarding <u>claim 4</u>, applicants have now amended the specification, at page
16, lines 7-8, to state that "**P_0 is the light source output under the ideal
condition where $S_1 = S_{2,} = 0$.**"

Claims 2 and 7 have now been cancelled.

Section 102 Rejections:

Independent claims 1 and 8 have been rejected as being anticipated by
Kimura. Applicants respectfully submit that this rejection is overcome for the
reasons set forth below.

Amended <u>claim 1</u> now includes features which are not suggested by the cited
reference, namely:

- detection means of detecting an aberration amount of the light
  spot as an aberration detection signal S . . . ;

- control means of controlling an output of the light source by use of
  the detected aberration amount . . . ;

- wherein said control means controls the output of the light source
  so that the output of the light source for recording is $P_0/(1-K \cdot S^2)$
  where K is a predetermined constant and P_0 is the light source
  output for recording on condition that there is no aberration, or

- the control means controls the output of the light source so that the output of the light source for recording is $Pi(1-K \cdot Si^2)/(1-K \cdot S^2)$ where K is a predetermined constant and Pi is the light source output for recording on condition that Si is obtained as the aberration detection signal, and the Pi and Si are obtained by initial learning when the recording operation is performed.

Basis for amended claim 1 may be found, for example, in the features of claims 2 and 7 (now cancelled).

Kimura discloses a light source, detection means, and control means, wherein the control means controls the output of the light source using a detected aberration amount. Kimura, however, does **not** suggest controlling the output of the light source, so that the output of the light source for recording is $\mathbf{P_0/(1-K \cdot S^2)}$ where K is a predetermined constant and P_0 is the light source output for recording on condition that there is no aberration. Furthermore, Kimura does **not** suggest controlling the output of the light source, so that the output of the light source for recording is $\mathbf{Pi(1-K \cdot Si^2)/(1-K \cdot S^2)}$ where K is a predetermined constant and Pi is the light source output for recording on condition that Si is obtained as the aberration detection signal, and Pi and Si are obtained by initial learning when the recording operation is performed.

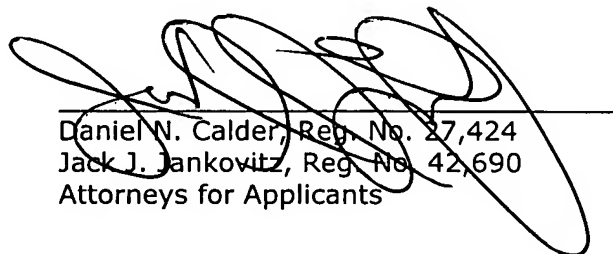Favorable reconsideration is requested for amended claim 1.

Although not the same, claims 8 and 9 have been amended to include features similar to amended claim 1. Amended claims 8 and 9 are, therefore, not subject to rejection in view of the cited reference for the same reasons set forth for amended claim 1.

Dependent claims 3-6 depend from amended claim 1. These dependent

claims are, therefore, not subject to rejection in view of the cited reference for at

least the same reasons set forth for amended claim 1.

Conclusion

Claims 1, 3-6 and 8-9 are in condition for allowance.

Respectfully submitted,

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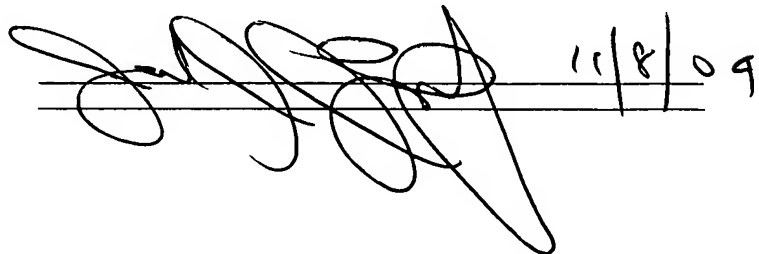Attorneys for Applicants

JJJ/fp/ds/mc

Attachments: Abstract

Dated: November 8, 2004

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